UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,229	03/31/2004	Karl Pfleger	0026-0073	3872

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EXAMINER
WOO, ISAAC M

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/813,229	PFLEGER, KARL
		Examiner	Art Unit
		Isaac M. Woo	2166

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 March 2004</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-53</u> is/are pending in the application.

    4a) Of the above claim(s) <u>20-43</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-19 and 44-53</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Applicant's Election in response to the

Election/Restriction requirement set forth in the July 10, 2006, filed on August 10, 2006.

2.   Applicant elected Group I, claims 1-19 and 44-53, with traverse. Non-elected

claims 20-43 are withdrawn.

Claims 1-19 and 44-53 are presented for this office action.

3.   Applicant elected Group I (1-19 and 44-53), with traverse. However, the

restriction was proper. Because the inventions are distinct, each from the other because

of the following reasons:

The applicant's the ground(s) of the traversal, is not found persuasive. Because

one application should have one invention and examining different invention on one

application is burden. The inventions are distinct, each from the other because of the

following reasons:

    I.   Claims 1-19 and 44-53, drawn to method, system and computer-readable

        medium for receiving one or more search queries, searching stored data

        based on the one or more search queries to generate results, wherein the

        results are orderable by at least one search characteristic; and

        providing a document that includes a multi-dimensional graph of the

        results of the search, wherein at least one dimension of the multi-

        dimensional graph corresponds to the at least one search characteristic,

which is querying and searching database, classified in class 707, subclass 3.

II.   Claims 20-38, drawn to a method for designating a visual representation for each of the results, which is layout or designing for displaying, classified in class 715, subclass 517.

III.   Claims 39 and 43, drawn to server and method for plot visual representations corresponding to each of the results on a multi-dimensional graphical display, wherein at least one dimension of the multi-dimensional graphical display, which is plotting visual representations for emphasis, classified in class 715, subclass 821.

IV.   Claims 40-42, drawn for first activation area on the graphical user interface that displays graphical indicators associated with each of the results of the executed data search, wherein each of the graphical indicators, upon user selection, causes the display of additional data associated with the selected graphical indicator, and wherein the first activation area plots the graphical indicators with respect to a multi-dimensional graph, which is displaying processing, classified in class 715, subclass 526.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-19 and 44-53 are rejected under 35 U.S.C. 102(e) as being anticipated

by Ooi et al (U.S. Patent No. 7,117,217, hereinafter, "Ooi").

With respect to claim 1, Ooi teaches receiving one or more search queries (fig.1,

col. 4, lines 23-43); searching stored data based on the one or more search-queries to

generate results (fig.1, col. 4, lines 23-43), wherein the results are orderable by at least

one search characteristic (fig. 6-10, col. 2, lines 9-67 to col. 3, lines 1-16); and providing

a document that includes a multi-dimensional graph of the results of the search (fig. 6A,

col. 9, lines 25-53), wherein at least one dimension of the multi-dimensional graph

corresponds to the at least one search characteristic (fig. 6A, col. 9, lines 25-53).

With respect to claim 2, Ooi teaches the results of the searching are sorted by

relevance (fig. 6A, col. 9, lines 25-53).

With respect to claim 3, Ooi teaches the one or more search queries are inferred from actions taken by a user other than entering one or more explicit search queries (fig. 6A, col. 9, lines 25-53).

With respect to claim 4, Ooi teaches, wherein the actions taken by a user comprises the user's past browsing activity (fig. 6A, col. 9, lines 25-53).

With respect to claim 5, Ooi teaches, the one or more search queries are selected from a list of multiple search queries (fig. 6A, col. 9, lines 25-53).

With respect to claim 6, Ooi teaches, a representation of each of the results on the multi-dimensional graph occupies substantially more than a point (fig. 6A, col. 9, lines 25-53).

With respect to claim 7, Ooi teaches, the result is represented on the multi-dimensional graph as at least one of an icon, text, or an image (fig. 6A, col. 9, lines 25-53).

With respect to claim 8, Ooi teaches, a second dimension of the multi-dimensional graph comprises relevance (fig. 7A-B, col.9, lines 25-67 to col. 10, lines 1-58).

With respect to claim 9, Ooi teaches, the at least one search characteristic comprises one of recency, price, dates, image quality, image size and distance (fig. 7A-B, col.9, lines 25-67 to col. 10, lines 1-58).

With respect to claim 10, Ooi teaches, the multi-dimensional graph comprises a two-dimensional graph (fig. 7A-B, col.9, lines 25-67 to col. 10, lines 1-58).

With respect to claim 11, Ooi teaches, a scaling of an axis corresponding to the at least one dimension is non-linear (fig. 7A-B, col.9, lines 25-67 to col. 10, lines 1-58).

With respect to claim 12, Ooi teaches at least a portion of the axis corresponding to the at least one dimension comprises a logarithmic scale (fig. 7A-B, col.9, lines 25-67 to col. 10, lines 1-58).

With respect to claim 13, Ooi teaches none of the dimensions of the multidimensional graphic corresponds to relevance (fig. 6A, col. 9, lines 25-53).

With respect to claim 14 Ooi teaches receiving user input to selectively alter a resolution of a dimension of the multi-dimensional graph (fig. 6A, col. 9, lines 25-53).

With respect to claim 15, Ooi teaches a visual representation on the multi-dimensional graph and wherein a size associated with each of the representations is

varied based on a relevance associated with each of the results (fig. 6A, col. 9, lines 25-53).

With respect to claim 16, Ooi teaches a fixed number of results are displayed on each page of the document (fig. 6A, col. 9, lines 25-53).

With respect to claim 17, Ooi teaches a visual representation of the multi-dimensional graph and wherein respective visual representations may visually overlap one another (fig. 6A, col. 9, lines 25-53).

With respect to claim 18, Ooi teaches respective visual representations may visually overlap one another based on relevance. (fig. 6A, col. 9, lines 25-53).

With respect to claim 19, Ooi teaches receive one or more search queries (fig.1, col. 4, lines 23-43); search stored data based on the one or more search queries to generate results (fig.1, col. 4, lines 23-43), wherein the results are orderable by at least one search characteristic, (fig. 6A, col. 9, lines 25-53) provide a document that includes a multi-dimensional graph of the results of the search (fig. 6A, col. 9, lines 25-53), wherein at least one dimension of the multi-dimensional plot corresponds to the at least one search characteristic (fig. 6A, col. 9, lines 25-53) and wherein each of the results is represented on the multi-dimensional graph as at least one of an icon, text, or an image (fig. 6-10, col. 2, lines 9-67 to col. 3, lines 1-16).

With respect to claim 44, Ooi teaches receiving one or more search queries (fig.1, col. 4, lines 23-43); searching stored data based on the one or more search queries to generate results (fig.1, col. 4, lines 23-43), wherein the results are orderable by at least one search characteristic (fig.1, col. 4, lines 23-43), generating an output, corresponding to the results of the search, that includes multiple dimensions (fig. 6A, col. 9, lines 25-53), wherein each dimension of the output corresponds to a respective one of the at least one search characteristic (fig. 6-10, col. 2, lines 9-67 to col. 3, lines 1-16).

With respect to claim 45, Ooi teaches the results of the searching are sorted by relevance (fig. 6A, col. 9, lines 25-53).

With respect to claim 46, Ooi teaches the one or more search queries are inferred from actions taken by a user other than entering one or more explicit search queries (fig. 6A, col. 9, lines 25-53).

With respect to claim 47, Ooi teaches actions taken by a user comprises the user's past browsing activity (fig. 6A, col. 9, lines 25-53).

With respect to claim 48, Ooi teaches the one or more search queries are selected from a list of multiple search queries (fig. 6A, col. 9, lines 25-53).

With respect to claim 49, Ooi teaches one dimension of the multiple dimensions comprises relevance (fig. 6A, col. 9, lines 25-53).

With respect to claim 50, Ooi teaches the results of the searching are sorted by relevance. (fig. 6A, col. 9, lines 25-53).

With respect to claim 51, Ooi teaches at least one search characteristic comprises one of recency, price, dates, image quality, image size and distance (fig. 6A, col. 9, lines 25-53).

With respect to claim 52, Ooi teaches the multiple dimensions comprises two dimensions. (fig. 6A, col. 9, lines 25-53).
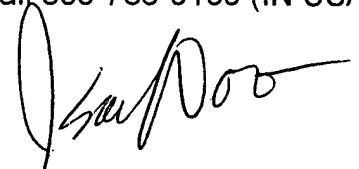
With respect to claim 53, Ooi teaches receiving one or more search queries (fig.1, col. 4, lines 23-43); searching stored data based on the one or more search queries to generate results (fig. 6A, col. 9, lines 25-53), wherein the results are orderable by at least one search characteristic (fig. 6A, col. 9, lines 25-53); and generating output data that corresponds to the results of the search, wherein the output data comprises multi-dimensional data (fig. 6A, col. 9, lines 25-53) and wherein each dimension of the multi-dimensional data corresponds to a respective one of the at least one search characteristic (fig. 6-10, col. 2, lines 9-67 to col. 3, lines 1-16).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Woo
October 26, 2006